



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/657,280 | 09/09/2003 | William M. Canfield | 241990US77DIV | 1393 |
| 22850 | 7590 | 07/12/2005 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | SAIDHA, TEKCHAND | |
| | | | ART UNIT | PAPER NUMBER |

1652

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

10/657,280

Examiner

Tekchand Saidha

Applicant(s)

CANFIELD, WILLIAM M.

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 May 2005.
2. ☒ The allowed claim(s) is/are 40-62.
3. ☒ The drawings filed on 09 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

b

Supplemental Notice of Allowability

1. Applicants' amendment filed on May 20, 2005 is acknowledged. Applicants' response and arguments were considered and found persuasive with respect to double patenting rejections. The double patenting rejections made in the prior Office Action are therefore withdrawn. Further in view of Applicants' amendment to the claims, rejections under 112 first paragraph (enablement & written description) are withdrawn. Applicants have agreed to cancel claims 63-68, allowing rejection under 102 be withdrawn.

2. Claims 40-68 are pending in this application

3. Claims **40-62** are allowed, subject to the following Examiner's Amendment.

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(a) Authorization for this examiner's amendment was given in a telephone interview with Daniel J. Pereira on June 10, 2005 (previous).

Cancel claims 63-68 without prejudice.

(b) Authorization for this examiner's amendment was given in a telephone interview with Daniel J. Pereira on July 05, 2005 (**new**).

Amend claim 40 as follows:

Claim 40, line 3, after 'comprises', delete 'an' and replace with 'the'.

Claim 40, line 4, after 'or', delete 'an' and replace with 'the'.

Claim 40, line 7, after 'comprises', delete 'an' and replace with 'the'.

Claim 40, line 8, after 'or', delete 'an' and replace with 'the'.

Claim 40, line 12, after 'comprises', delete 'an' and replace with 'the'.

Claim 40, line 13, after 'or', delete 'an' and replace with 'the'.

Art Unit: 1652

5. The following is an examiner's statement of reasons for allowance:

This Application provides novel polypeptide sequence(s) of SEQ ID NO: 1, 2 & 3, corresponding to α , β and γ subunits of an isolated N-acetylglucoseamine-1-phosphotransferase and the encoding DNA of SEQ ID Nos: 4, 5 & 6 respectively. Stringent hybridizations conditions are provided for one of skill in the art to use the DNA of SEQ ID Nos: 4, 5 or 6 in order to hybridize and isolate DNA sequences that will encode N-acetylglucoseamine-1-phosphotransferase corresponding and/or the various subunits. Constructs comprising vectors, host cells and a process of producing the enzyme recombinantly are described.

No prior art reference or sequence of record, taken alone or in combination teach the claimed invention or provide motivation to one of ordinary skill in the art to use the skills available in the area of enzymology or molecular biology, to make the invention obvious.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tekchand Saidha whose telephone number is (571) 272 0940. The examiner can normally be reached on 8.30 am - 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on (571)

Art Unit: 1652

272 0928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tekchand Saidha
Primary Examiner, Art Unit 1652
Recombinant Enzymes, 02A65 Remsen Bld.
400 Dulany Street, Alexandria, VA 22314
Telephone : (571) 272-0940

July 5, 2005